

m DEPARTMENT OF
LABOR AND INDUSTRY

June 12, 2019

SENT VIA FIRST-CLASS U.S. MAIL

Saul Cazares
107 El Dora Road
Alamo, TX 78516

Re: Licensing Order; Saul Cazares REG1904-00029/JOR

To Whom It May Concern:

Enclosed is a Licensing Order issued against the Contractor Registration for Saul Cazares, No. IR744623. The Order will become final 30 days from the date of service, at which point the \$1,000 penalty will become due and the Department will suspend the Contractor Registration. You can avoid the penalty and suspension if you respond to the Department's subpoena before the Order becomes final. Please contact the undersigned with any questions about the Licensing Order.

Sincerely,



Jonathan Reiner
Senior Investigator
Construction Codes & Licensing -- Enforcement
443 Lafayette Road N
St. Paul, MN 55155
P: (651) 284-5396
jonathan.reiner@state.mn.us

STATE OF MINNESOTA
Department of Labor and Industry

In the Matter of the Contractor
Registration of Saul Cazares

**LICENSING ORDER
WITH PENALTY**

I. ORDER

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) issues this Order against Respondent Saul Cazares.

Pursuant to Minn. Stat. § 326B.082, subd. 12 (b) (2018) and Minn. Stat. § 326B.083 (2018), the Commissioner hereby assesses against Respondent a monetary penalty of \$1,000.

Pursuant to Minn. Stat. § 326B.082, subds. 11(b) and 12 (2018) and Minn. Stat. § 326B.083 (2018), the Commissioner hereby suspends the Contractor Registration of Respondent, No. IR744623 from the date that this Order becomes final until Respondent produces the documents requested in the Commissioner’s subpoena dated May 21, 2019 and pays the monetary penalty assessed above.

Pursuant to Minn. Stat. § 326B.082, subd. 12(b) (2018), the Commissioner also hereby orders Respondent, during the period of contractor registration suspension, to cease and desist from performing public or private sector commercial or residential building construction or improvement services for which registration in the Minnesota Construction Contractor Registration Program (“Registration Program”) is required.

Pursuant to Minn. Stat. § 326B.082, subd. 11(a)(b)(5) (2018), the Commissioner also hereby orders Respondents to cease and desist from registering in the Registration Program under any name until full compliance with this order is achieved.

The Commissioner takes the above action based upon the following Findings of Fact and Conclusions of Law:

II. FINDINGS OF FACT

1. Respondent holds a Contractor Registration issued by the Commissioner on July 31, 2018, No. IR744623. In his registration, Respondent provided a business address of 107 El Dora Rd., Alamo, TX.

2. Respondent, as a registered contractor, must adhere to the Minnesota statutes and regulations governing worker classification and contractor registration, Minn. Stat. §§ 181.723 and 326B.701 (2018).
3. On April 30, 2019, the Minnesota Department of Labor and Industry (“Department”) opened an investigation based on receipt of information that indicated that Respondent may have engaged in violations of the Minnesota statutes governing the classification of workers in the construction industry.
4. As a part of the Department’s investigation, the Commissioner issued a subpoena duces tecum to Respondent on May 21, 2019 via certified and first-class U.S. mail to the Alamo, TX address he provided in his registration.
5. A Department investigator made numerous attempts to contact Respondent at the phone number listed in Respondent’s registration. The investigator sent copies of the subpoena and related correspondence to the email address listed in Respondent’s registration.
6. On May 31, 2019, a Department investigator sent a letter and email warning Respondent that the Department would issue an order against it including a monetary penalty if Respondent did not respond to the subpoena.
7. As of the date of this Order, Respondent has not complied with the May 21, 2019 subpoena.

III. CONCLUSIONS OF LAW

1. Respondent has committed a violation of applicable law. Minn. Stat. § 326B.082, subd. 11(b)(1) (2018).
2. Respondent failed to cooperate with the Commissioner’s request to produce documents. Minn. Stat. § 326B.082, subd. 11(b)(6) (2018).

IV. DETERMINATION OF PENALTY AMOUNT

In determining the amount of the penalty, the Commissioner considered the extent of deviation from compliance; whether the violation was willful; the gravity of the violation; the number of violations; whether there is a history of past violations; whether Respondent gained economic benefit in not complying with the law; and other factors as justice may require. Minn. Stat. §§ 14.045, subd. 3, 326B.083, subd. 1.

V. REQUEST FOR HEARING

Pursuant to Minn. Stat. § 326B.082, subd. 12(c), Respondent shall have 30 days after issuance of this order to request a hearing. A request for hearing must be in writing and must be served on or faxed to the Commissioner at the following address or fax number by the deadline.

Minnesota Department of Labor and Industry
CCLD - Enforcement Services Unit
Attention: Charlie Durenberger
443 Lafayette Road North
St. Paul, MN 55155

Fax number: (651) 284-5746

The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. Minn. Stat. § 326B.082, subd. 12(c). If the request for hearing is served by facsimile, it cannot exceed 15 pages in length and must be received no later than 4:30 p.m. central time on the last day permitted for serving a request. Minn. Stat. § 326B.082, subd. 4.

If Respondent submits to the Commissioner a timely request for hearing, this order shall be stayed unless otherwise ordered by a judge, and a contested case hearing will be commenced. The contested case procedures are set out in chapter 14 of Minnesota Statutes, chapter 1400 of the Minnesota Rules, and sections 326B.01 to 326B.085 of the Minnesota Statutes. Copies of these materials or are available at www.revisor.mn.gov or may be purchased from the Minnesota Book Store, telephone (651) 297-3000.

VI. EFFECT OF FINAL ORDER

If Respondent does not request a hearing or submit a timely hearing request to contest this order, it shall become a final order of the Commissioner and will not be subject to review by any court or agency. *See* Minn. Stat. § 326B.082, subd. 12(c) (2018).

Respondent is prohibited from applying for reinstatement of its Contractor Registration until such time full compliance with the terms of this Licensing Order has been achieved. Reinstatement after suspension requires: application to the Commissioner no later than two years after completion of the suspension period; payment of a \$50 license reinstatement fee; submission of a completed license renewal and application and fees if the license expired during the license suspension; and the meeting of all other requirements for licensure. Minn. Stat. § 326B.096, subd. 2 (2018).


The monetary penalty assessed by this order is due and payable on the date this order becomes final. Minn. Stat. § 326B.083, subd. 3(a) (2018). When this order becomes final, the Commissioner may file and enforce any unpaid portion of the penalty as a judgment in district court without further notice or additional proceedings. Minn. Stat. §§ 16D.17 and 326B.083, subd. 2 (2018). Failure to pay a monetary penalty owed may result in the revocation, suspension,

or denial of any or all licenses, permits, certificates, and registrations issued by the Commissioner. Minn. Stat. § 326B.082, subd. 17 (2018).

Finally, Respondent is notified that thirty (30) days after the date this order becomes final, simple interest computed in accordance with Minn. Stat. § 16D.13, subd. 2 (2018) will begin to accrue on the unpaid portion of the penalty.

Dated: 6/12/19

NANCY J. LEPPINK
Commissioner


BY: CHARLIE DURENBERGER
Director of Licensing and Enforcement
Construction Codes and Licensing Division
Department of Labor and Industry

